IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

CRP.No. 1236 of 2002()

SMP.85/1997 of TALUK LAND BOARD, NILAMBUR
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REVN. PETITIONERS:
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1. JAMES JACOB, S/O.C.T.CHACKO,
RESIDING AT PULPATHRA, KAVALACKAL,
PACHAKULAM P.O., ALAPPUZHA.

2. MRS. ANNIE JAMES, W/O.JAMES JACOB,
AGED 28 YEARS, RESIDING AT PULPATHRA,
KAVALACKAL, PACHAKULAM P.O., ALAPPUZHA.

3. ANTONY JACOB, S/O.SRI.C.T.CHACKO,
AGED 35 YEARS, NOW RESIDING AT KAVALACKAL HOUSE,
AMBALAPPADY, WANDOOR P.O., MALAPPURAM DISTRICT.

4. MARIAMMA ANTONY, W/O.ANTONY,
RESIDING AT KAVALACKAL HOUSE, AMBLAPPADY,
WANDOOR P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.P.M.POULOSE

RESPONDENTS:
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1. STATE OF KERALA, REP. BY CHIEF SECRETARY
REP. BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
TRIVANDRUM.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. TALUK LAND BOARD, NILAMBUR, REP. BY ITS
CHAIRMAN.

4. TAHSILDAR, NILAMBUR.

BY GOVT. PLEADER MR.SHYSON P.MANGUZHA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP NO.3145 OF 2002 IN C.R.P.NO.1236 OF 2002

DISMISSED

3.8.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

PIUS C. KURIAKOSE,J.

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C.R.P.No.1236 of 2002

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Dated: 3rd August, 2007

ORDER

The claimants who were not parties before the Taluk Land Board are aggrieved by the order of the Taluk Land Board finding that the lands claimed by them are ordered to be surrendered by the declarant. In view of the obvious and conceded position that the petitioners who claimed under registered documents of sale were not parties to the proceedings before the Taluk Land Board, I set aside the impugned order and direct the Taluk Land Board to take fresh decision with notice to all concerned parties including the petitioners. While taking fresh decision the implications of the provisions introduced into the Land Reforms Act by Act 21 of 2006 particularly, Section 7E and also the amendments made to Section 84 will be taken into account by the Taluk Land Board. Mr.P.M.Poulose, counsel for the petitioners submitted that on equitable considerations there may be a direction to the Taluk Land Board to take possession of the properties permitted to be retained by the declarant first. The Taluk Land Board will consider this argument also while taking decision pursuant to the above remand order.

The C.R.P. stands allowed by way of remand.

srd **PIUS C.KURIAKOSE, JUDGE**